

Entered on Docket

April 26, 2011

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed: April 26, 2011

EDWARD D. JELLEN
U.S. Bankruptcy Judge

NWAKUCHE UG, Adv. No. 11-04063 AJ

vs. Plaintiff,

MORTGAGE LENDER SERVICES, INC.,
ET AL.,

Defendants./

MEMORANDUM RE REMAND

The court has concluded that it should remand this adversary proceeding pursuant to 28 U.S.C. § 1452(b). See In re Tucson Estates, Inc., 912 F.2d 1162, 1166-67 (9th Cir. 1990) (listing the factors for discretionary abstention pursuant to 28 U.S.C. § 1334(c)(1)).

All of the claims for relief are matters governed by California State law, or federal law other than bankruptcy law. The matters at issue are not core matters under 28 U.S.C. § 157(b)(2). Moreover, plaintiff herein does not consent to this court's entry of any

Memorandum

1 binding findings, and therefore the court would not be able to enter
2 any binding findings. 28 U.S.C. § 157(c).

3 In addition, the parties have the right to request a trial by
4 jury, which this court cannot conduct absent consent of all parties.
5 28 U.S.C. § 157(e). The trial of the claims alleged would place a
6 substantial burden on the court's docket.

7 For the foregoing reasons, the court will issue its order
8 remanding this adversary proceeding.

9 *** END OF MEMORANDUM ***
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COURT SERVICE LIST

All Recipients